

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYLVESTER JAMES MAHONE,

Plaintiff,

v.

PAT MCCARTHY, PAUL PASTOR,
EDDIE PARKER, BALDEROMA,
MARVIN SPENCER, MARTHA KARR,
DANIELS, KATHY MILLER, CARN,

Defendants.

CASE NO. C14-5812 BHS-JRC

ORDER TO SHOW CAUSE

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Defendants failed to comply with the Court's instructions to file an answer or a motion permitted under Rule 12 of the Federal Rules of Civil Procedure, within sixty days of the date designated on the notice of lawsuit (Dkt. 5). On January 29, 2015, as a direct result of defendants' failure to act, the Court issued an order directing plaintiff to take action (Dkt. 26). Defendants filed an untimely motion to dismiss the next day, on January 30, 2015 (Dkt. 27). In

1 compliance with the Court's instruction to take action, plaintiff filed a motion for default
2 judgment (Dkt. 28).

3 Defendants' failure to comply has resulted in delay on this action. Defendants' failure to
4 comply has also resulted in additional work for both the Court and plaintiff.


5 The second paragraph of Western District Local Civil Rule 11(c) provides in relevant
6 part :

7 An attorney or party who without just cause fails to comply with . . . an order of
8 the court, . . . may, . . . be required by the court to satisfy personally such
9 excess costs and may be subject to such other sanctions as the court may deem
10 appropriate.

11 The Court believes that giving defendants and their counsel an opportunity to be heard
12 before the imposition of a monetary sanction is appropriate.

13 The Court orders counsel for defendants and their counsel to show cause why monetary
14 sanctions should not be imposed. Defendants' response to this order to show cause must be filed
15 on or before April 17, 2014.

16 Dated this 3rd day of April, 2015.

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18 J. Richard Creatura
19 United States Magistrate Judge
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